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Beyond supervenience and construction

Abstract: I assume that identity theories and reductive strategies generally about the relationship between both the physical and the mental and the non-social and the social fail and I remind the reader why this is so. The mind cannot be reduced to body and the social (and this includes social action) cannot be reduced to what goes on in the minds of individuals and to their non-social actions, even when physical environment is added to the allegedly reducing base. I canvass two alternatives: supervenience and constructivism. My discussion of supervenience is by way of a survey of the work of others. Supervenience turns out to be too 'brute' a relation to account for the mind-body or the nonsocial-social relationships (I explain the idea of 'brute' in the paper). Supervenience is essentially a co-variance relation and even if the social were to supervene on the nonsocial, or the mental on the physical, supervenience leaves that co-variance inexplicable and mysterious. I ask whether constructivist solutions could explain the co-variance between levels any better (I look specifically at the work of John Searle) and I raise some issues with regard to the ability of constructivism to explain these relationships. Searle sees the institutional and social world through the perspective of various levels, in ways similar to the way in which the reductionist and the supervenience theorists did. My main argument is to offer an analogue problem for constructivism that was raised for supervenience. I conclude that constructivism could escape the problem of 'brute' co-variation between levels only by adopting a thoroughgoing irrealist perspective on the institutional and social.

Keywords: constructivism; Searle; supervenience; social ontology; reduction.

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Beyond supervenience and construction

Identity theories and reductive strategies generally about the relationship both between the physical and the mental and between the non-social and the social

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fail. I assume that this is the case in this paper and I therefore only remind the reader why this is so. The mind cannot be reduced to body and the social (and this includes social action) cannot be reduced to what goes on in the minds of individuals and to their non-social actions, even when the physical environment is added to the allegedly reducing base.

I canvass two alternatives: supervenience and constructivism. My discussion of supervenience is in the main by way of a survey of the work of others. Supervenience turns out to be too ‘brute’ a relation to account for the mind-body or the nonsocial-social relationships. It is essentially a co-variance relation and even if the social supervenes on the nonsocial, or the mental on the physical, supervenience leaves that co-variance inexplicable and mysterious.

I ask whether constructivist solutions could explain the co-variance between these levels any better (I look specifically at the work of John Searle) and I raise some issues with regard to the ability of constructivism to explain these relationships. Searle sees the institutional and social world through the perspective of various levels, from brute physical reality to the institutional, in ways similar to the way in which the reductionist and the supervenience theorists did.¹ My main argument is to offer an analogue problem for constructivism that has been raised for supervenience. I conclude that constructivism could escape the problem of ‘brute’ co-variation between levels only by adopting a thoroughgoing irrealist perspective on the institutional and social.

Medem’s three parts of a person: the physical, the mental and the social

There is an old Russian proverb, quoted in Vladimir Medem’s autobiography, that says: ‘an individual in Russia was composed of three parts: a body, a soul, and a passport’ (Medem 1979).² It isn’t only that there are these three aspects of a person, but moreover that somehow the three are connected. How so?

Just as most philosophers (excluding eliminativists and those who posit pre-established harmony, for example) believe that there are both the physical and mental realms and that they must be connected in some way – the options range

¹ A locus classicus for this picture of levels is Paul Oppenheim and Hilary Putnam (1958).

² An earlier paper, ‘The Limits of Realism in the Philosophy of Social Science’, that covers some of the material in this paper, appeared in Galavotti, M. C., D. Dieks, W. Gonzalez, S. Hartman, T. Uebel, and M. Weber (eds.), 2014. In this paper, the section covering supervenience has been much reduced, some material (e.g., the discussion of theories of political obligation) has been

from reductive identity through supervenience to causation – so too it is plausible to believe that the social and the mental (and from now on, we can add ‘the physical’ along with the mental, without always further specifying it explicitly) have some sort of important relationship, whatever that might be. I speak about the mental; the philosophy of social science literature often speaks of the individual (as in ‘methodological individualism’). For our purposes, these come to the same, since the mental facts in which we are interested are mental facts about individual persons. The relevant physical facts of course might not be about persons at all.

Where shall we place human action in Medem’s tripartite division? There is some unclarity about this in the literature of (so-called) methodological individualism but it is important to get this right. Human action itself divides into social and non-social action. It would be an unnecessary digression to make this distinction explicit, but intuitively, voting, cashing cheques, and engaging in a ritual are intrinsically social actions; climbing a mountain, riding a horse, and building a shelter are not, even when as a matter of fact they are done in a social setting or by a multiplicity of individuals.³ There are many cases whose classification will be undecidable without a precise and explicit account of this distinction, but other cases, like the ones mentioned above, will be clear. Social actions, or facts about them, are part of the social; non-social actions, or facts about them, are to be included within the mental-cum-physical.

Here is a compelling if somewhat minimalist thought: if there were no beings with a mental life, in particular one that included intentionality, there could be no social world. But surely there is much more we can say about the tripartite relationship Medem mentions, of the mental and physical on the one hand and the social or institutional on the other.

Reduction

What I do in this paper is to discuss the options for understanding this relationship, in part drawing on relevant literature in the philosophy of mind. Reduction,

eliminated entirely, and perhaps most importantly the section on Searle has been considerably expanded and developed. New material, especially on Searle’s work, has been introduced and the discussion deepened. I believe that my main criticism has been considerably sharpened and developed. This discussion also now takes account of Searle’s 2010. Although the section on supervenience has been reduced, I believe that I am now better able to see the central problem that reduction, supervenience, and constructivism share and I try to make that clearer in this paper. ³ For my view on the social versus non-social distinction, whether applied to actions or other particulars, see Ruben (1985), Chapter 3.

or reductive identity, as one of those options, has been in retreat for the last few decades, both in the philosophy of mind and in the philosophy of social science.⁴ As Ned Block says, ‘For nearly 30 years, there has been a consensus....that reductionism is a mistake...’ (and that was said already seventeen years ago.) (Block 1997, p. 107). If reductionism is a mistake, it is not only identity (between the mental and the physical or between the social and the mental) that is in trouble; nomological equivalence would be in trouble as well, since many of the arguments against reduction also work against nomological equivalence.⁵ There have been exceptions (Bickle 1998) so not everyone has given up on reduction, but the increased attention to supervenience and to mereology and composition has been powered by the perception that reduction has failed and that there is a need for a non-reductive relation to link the mental with the physical, and the social with the non-social.

What I do in this paper is to discuss the prospects for supervenience and constructivism (by focusing on the work of John Searle) as alternatives to reduction,

⁴ The reductive identity being dismissed by Block and others is ontological, not just discourse or theory reduction. Of course, not all cases of failure of reduction of one discourse to another entail failure of reduction in an ontological sense. For example, the inability to ‘translate’ physical object discourse into sense data discourse (‘without remainder’) does not on its own show that physical objects are not just sets of sense data. There might just be two languages or discourses, such that no sentence in one can be given a complete translation by any sentence or set of sentences in the other, and yet the discourses might be about the same things. The distinction between conceptual and ontological reduction is itself unclear, especially when properties are added to the list of things to be reduced. But if reductive identity fails in the mental-physical or the social-mental cases because of failure of identity or nomic equivalence between properties or entities in the allegedly reducing and the to-be-reduced discourses, this will certainly have ontological implication. It would show that we have two distinct or non-identical sets of properties or particulars, however they might otherwise be related.

⁵ Just to summarise a very long story, type reduction fails because of multiple realisability (and the unacceptability of infinite disjunctions or of heterogeneous disjunctions for reductive purposes). Token reduction (at least of events and states) fails because of its dependence on type reduction (there are other reasons for failure of token reduction but again the story is too long to repeat here).

There is an added problem with regard to the purported reduction of the social and institutional: a circularity argument. Any specification of the allegedly reducing base will certainly make use of social concepts. For example, it is often alleged that a piece of paper’s being money depends on people believing that the paper is money, or at any rate believe that it can be exchanged for goods, and so on. But the contents of these beliefs include social concepts. So conceptual reduction of the social to the non-social fails. But what of the ontological issue rather than the conceptual one? In my view, the allegedly reducing base will also contain references to individual social entities of some sort, and will also require the existence of social properties, and not just make use of social concepts, so allegedly ontological reduction, and not only conceptual reduction, will fail the circularity test. See Ruben (1985), Chapters 1 and 3, for the fuller story.

in understanding the non-social/social relation (or to be more precise, the non-institutional/institutional relation). Extended discussion of supervenience in the philosophy of the mind needs no apology, but even more so because a central strategy of this paper is to export the lessons of the failure of supervenience to that of construction. I conclude that neither offers us an attractive alternative and that we must therefore reconsider other alternatives in understanding the relations between the social and the non-social.

Supervenience

Supervenience, it was once hoped, would offer an alternative to reduction that at one and the same time would be both non-reductive but also non-dualistic.⁶ On this approach, just as the mind and body could be tied by supervenience sufficiently tightly to avoid dualism but not so tightly to collapse them into one, so too for the social (or institutional) and the mental: the hope was that the social could preserve its integrity but without claiming true autonomy or independence. In the philosophy of social science, use of supervenience by which to understand the social/non-social relation stretched at least from Currie (1984) to List and Pettit (2011) – and no doubt continues. Supervenience would provide the best philosophical example ever of both having and eating the proverbial cake.⁷

Suppose you find the idea of the supervenience of the social on the mental-cum-physical a plausible view. Supervenience is an objective (in one sense of that

6 Identity is a form of supervenience, the strongest form, since every fact supervenes on itself. In what follows, when I speak of supervenience, I mean to exclude the case of identity. This is a mere terminological convenience that facilitates what I want to say in the simplest fashion.

7 One of the earliest examples of this hope in the philosophy of social science was Greg Currie's 'Individualism and Global Supervenience' (Currie 1984). For reasons that are especially appropriate in the social world, any type of supervenience that is likely to hit the mark will be global rather than individual or even regional, because the way in which things are socially might depend on the way in which things are with individuals far removed in space and time from the particulars that constitute the social fact under consideration or from the spatio-temporal region they inhabit. La Guardia may have been the mayor of New York, but in order for that to be true, an indeterminate and widespread number of other people had to hold certain desires and beliefs. For some practice a person engages in, in order for it to count as a tradition, there must be persons engaging in a similar practice many times in the past. Social facts require many facts about individuals' actions or states of mind spread in time and space and whose spatio-temporal extent is hard to circumscribe in advance.

As Currie says, '...it is the totality of individual facts which determines the totality of social facts' (Currie 1984, p. 345). The supervenience of the social on mental facts about individuals, for him, comes to this: consider two possible worlds, *u* and *w*, which have identical individual (mental and physical) histories up to and including time *t*. If so, then the same social facts are true in both *u*

very slippery term) relation that does not depend on thinking, wanting or willing it to be so, or on anything human agents do. It is true that in the case of the alleged supervenience of the social on the mental, the supervenience base includes individuals' beliefs, desires, wishes, non-social actions, and any other mental or non-social item one might regard as important for inclusion, but once the supervenience base is specified, the relation between the supervenience base and what supervenes on it is objective, in the sense that that relation holds, if it does, regardless of anything further that agents might think or do. In particular, note that social constructivism gets no toehold on this picture. Agents collectively don't construct the social world, if 'construct' is to retain any of its sense that relates it to action or activity, to 'doing something'. Once the supervenience base is specified, there is nothing further for agents to do, make, think, or construct in order for the social to supervene. On the supervenience account, whatever they do, make, construct, or think has to be either part of the mental-cum-physical or part of the social. All their non-social doing and making or constructing is included in the supervenience base that allegedly does the accounting or explaining; all their social doing, making, or constructing is part of what is said to supervene and is therefore part of what is allegedly to be explained and so can't be any part of the accounting or explaining. No conceptual space remains for any further activity needed to 'join' the two levels.

The limitations of supervenience

Understood in this way, supervenience certainly has its limitations. It has become clear since supervenience was first introduced into the contemporary philosophi-

and w at t . Any two worlds that are indiscernible in terms of individual (physical and mental) facts up to and including t are indiscernible with respect to social facts at t ; no social difference without an individual or physical difference. Note that the converse is not the case: the individual facts won't also supervene on the social. There can certainly be socially indistinguishable worlds that differ in terms of individual mental and physical facts. Indeed, multiple realisability insures that this is so.

The use of supervenience by philosophers of social science has a long history. Currie's article was written in 1984. Christian List and Philip Pettit's Group Agency (2011) uses the same idea. Philosophers of social science many times in between have invoked it.

List and Pettit explicitly assert that supervenience of the social on the mental allows them to steer a middle path between the two traditions of reduction and eliminativism on the one hand and emergentism on the other, both of which they reject. It is true that the autonomy they claim for the social is epistemological rather than ontological, but it is hard to see why this should be so, given their other views. Supervenience is an alleged ontological relation and their own discussion is conducted in ontological terms: one set of facts determines or fixes another set (e.g., p. 65). If supervenience works in the way they want, it ought to yield some sort of ontological and not just epistemological autonomy.

cal literature that it is a very weak relationship, however much it might be modally strengthened. The core idea is that if two worlds are identical at the subvenient level, then they cannot differ at the supervening level (and contrapositively, if they differ at the supervening level, then they must differ in some way at the subvenient level). But consider two worlds that differ at the mental level only because one agent believes that Paris is the capital of France in one world but that agent (or his counterpart) believes that Paris is the capital of Italy in the other. As far as supervenience is concerned, there is no limitation on how widely the two worlds can differ socially. The two worlds differ at the mental-cum-physical level, so supervenience places no constraint at all on how much they might differ at the social level.

But even worse is to come. Supervenience is basically a covariance relation; it simply asserts that the social or institutional varies with the mental (plus physical).⁸ (Or that the mental varies with the physical.) Supervenience fixes one set of facts as the independent element and claims that a second set is the dependent variable and varies with that first set. Some refer to supervenience as a dependency relation, and that is so: the mental (or physical) is the independent variable; the social relative to the mental (or the mental relative to the physical) is the dependent variable.

But the idea of dependency when used in this context should not be taken to imply more than that. Given the sun's height, if one makes the length of the flag pole's shadow the independent variable, the height of the flagpole will be the dependent variable, in the sense that the latter's value will depend on the values of the former two. But there is no causal relation running from the length of the shadow to the height of the pole nor does the former explain the latter in any sense or make the latter what it is (Ruben 2011, p. 175–176).

If social facts were identical to individual mental facts or sets thereof, then the social facts would co-vary with the individual mental facts and the identity of the two sets of facts would then explain why they co-vary, i.e., because they are the same fact(s). In the case of identity, there is nothing more to explain other than why we have two ways of talking about the same things. We would need to tell a story about why we have two discourses rather than one, what purpose one fulfills that the other does not. But if we reject reduction in the social case, here too the need arises for an explanation of the co-variation between the supervenient institutional and the subvenient facts. Supervenience does not provide that explanation; on the contrary, it merely invites it.

Some relations are not just dependency relations in that weak sense but what we might call determinative relations: one fact or set of facts explains another

⁸ Horgan (1993).

because the first makes the second occur, happen, or whatever. Parts make a whole what it is. Matter or material constitutes substances. Causes bring about their effects. Such relations are the stuff from which explanation is built.

Determinative here does not mean deterministic. Even if causation is probabilistic, when *c* probabilistically causes *e*, *c* determines *e* in the sense I have in mind, brings *e* about or makes *e* what it is. Kim's early paper in this area ran together the ideas of dependency and determination (Kim 1974). In that paper, Kim wisely never included supervenience as a determinative relation. In terms of the distinction between dependency and determinative relations, I would classify supervenience as a dependency relation but not as a determinative relation.⁹ The subvenient base facts do not make the supervenient facts what they are in the way in which causes make their effects what they are or parts make the whole of which they are the parts what it is.

When the two sets of facts, the subvenient mental and the supervenient social, are not identical, then because supervenience is not a determinative relation, there is nothing in the mere fact of supervenience that obviously explains why two sets of distinct facts co-vary, why the one is the independent variable and the other the dependent variable. Many writers have noted that what supervenience so understood omits is any explanatory account of why two sets of facts co-vary. On Currie's and List and Pettit's view, it may be true that the social varies with the mental, and not vice versa, but if this is all that can be said, it remains a mystery why this should be so.

Many philosophers have pointed out how supervenience between any two distinct sets of facts by itself leaves an undischarged obligation to resolve a mystery. There is nothing very novel in my remarks above. Two such philosophers are Kim (1997) and Horgan (1993) but there are many others (see for example Ned Block 1997). Kim pointed this out in 'The Mind-Body Problem: Taking Stock After Forty Years': '...the mere fact...of mind-body supervenience leaves open the question of what grounds or accounts for it – that is, why the supervenience relation obtains...' (Kim 1997, p. 189–190). Horgan's goal is to strengthen the supervenience relationship so that there is not only covariance between supervenient and subvenient facts, but the fact that there is this supervenience (what he calls a 'supervenience fact') should be explicable in terms compatible with the subvenient base level (Horgan 1993). This is what he amusingly calls 'superdupervenience'.

There are three things to consider on Horgan's view: (1) the subvenient base facts (in our case, the non-social mental facts plus the physical facts); (2) the supervenient facts (the social or institutional facts); and (3) the fact that (2)

⁹ I once argued the opposite view, in *Explaining Explanation*, 2012 (second edition). I hereby recant.

supervenies on (1). Horgan's claim, for example, for physicalism, is that some account of (3), the supervenience fact, must be forthcoming by the supervenience theorist that is acceptable to a physicalist. *Pari passu*, a Horgan-like position on the issue for the philosophy of social science is that some account of why the fact that the social and institutional supervenes on the non-social (the mental-cum-physical) must be forthcoming and that that account must not itself reintroduce the social or institutional into the explanation's explanans.

As far as I can see, Horgan offers no reason why there must be such an explanation, why it cannot be left as a brute fact that one level supervenes on another, but I agree that this would not be acceptable. Compare the case with that of covariance and causation. If one places no restrictions on what counts as a property, and allows a property to be as detailed as is necessary to make it applicable as a matter of contingent fact to only one instance, the world will be full of accidental generalisations: whenever an event of type F occurs, it is followed by an event of type G.¹⁰ However, where we have (what we might call) salient or non-contrived correlations of Fs and Gs – e.g., lighting and thunder, day and night, smoke and fire, for example – we assume there is some causal connection that explains why the correlation is as it is. I think that the same impulse applies to supervenience as to correlation. Surely supervenience isn't like a truly accidental generalisation. If Gs supervene on Fs, we want an account of why this should be so, why it is no accident that Gs supervene on or co-vary with Fs.¹¹

Irrealism

Horgan himself is dubious that there can be a materialistically acceptable account of why mental facts supervene on physical facts and he is tempted, as a result, by irrealism about the mental as a way out of the dilemma. What he means by that is this. The difficulty in meeting the requirement for an explanation of the supervenient by the subvenient arises when one presupposes that these are two distinct sets of facts. But if the supervenient lacks ontological reality, the explanation is more straightforward. Horgan's example here is R. M. Hare's account of the supervenience of the moral on the non-moral (Hare 1964). In its bare bones, Hare is a non-cognitivist. Hare does not assume that there is a set of moral facts distinct from the non-moral facts such that the former supervenes on the latter. Hare

¹⁰ See Ruben (1982).

¹¹ I accept that there must be brute correlations between immediate causes and effects; not every causal linkage can be only mediate. The same might be true about supervenience. But we accept such brute correlations only reluctantly, having exhausted all other options.

talks of the purposes to which moral discourse is put, and it is moral discourse ('the language of morals') that supervenes on non-moral discourse.

Horgan calls Hare's account 'irrealist', and one can see why, although this is not a term that Hare used himself. Moral language does not describe anything, neither moral facts nor the descriptive facts on which such discourse supervenes. The discourse of morality does not 'connect' to reality in that way. It has a different purpose or function, to commend certain actions or to prescribe them, not to describe them.

So Hare's view of morality is an irrealist (or non-cognitivist) view and the supervenience thesis is one about two discourses, one factual and the other used for teaching standards, not two areas or realms of reality. There is no property of goodness; there are properties, say P, Q, and R, in virtue of which we can call a particular object 'good' or a particular action 'right', and to call the object 'good' or the action 'right' is not to assert that the thing has another property, goodness, in addition to P, Q, and R or even that it has the property goodness such that $\text{goodness} = \{P \text{ or } Q \text{ or } R\}$. The function of moral discourse is not to introduce properties at all, but to commend things that have P or Q or R. As such, sentences of the moral discourse lack truth-values since they do not state that anything is thus-and-so. The irrealist view comes into its own in the explanation of the purposes of the second discourse, the supervening discourse.

Social constructivism

Does social constructivism offer a better alternative to supervenience as a way of understanding the relation between the social and the non-social (or, in Searle's case, the institutional and the non-institutional)?¹² The thesis I want to advance is that it does not. I want to use John Searle's work on the social world as my example. I should say that I am not interested in the detail of Searle's constructivism; I am principally interested in it as an example of a type of approach in solving the question of the social/non-social relation. I shall of course try to competently reproduce what he has to say on the topics that interest me, and if I were to fail to do that, I would of course be open to legitimate criticism. But I am not interested in the detail and nuance of his views.

Exactly what ontological status does Searle attribute to institutional reality? I believe that there is some ambiguity in his views about this. Searle, for example,

¹² The Construction of Social Reality (Searle 1995); Making the Social World (Searle 2010).

dismisses both reduction and supervenience as misleading.¹³ Some have interpreted him to be espousing a form of the ontological reduction of the social in spite of his eschewing that term, but such an interpretation is not in the spirit of what he says about reduction in his treatment of the mind-body problem. If that were the right reading of Searle, what follows would be otiose. As I have already made clear, I do not think that any form of ontological reduction is viable, either in the philosophy of the mind or in the philosophy of social science, but this paper has not attempted to show that this is so.

I understand Searle's theory as an attempt to link the institutional, and the social more generally, to brute reality, without producing a reductive view in the classical sense of that term. His theory carries a hope similar to that carried by the supervenience theories: to articulate a theory that at one and the same time in some sense respects the integrity and the objectivity of the institutional but yet relates the institutional to the underlying reality on which it is based. This isn't a reductionist project and the narrative that Searle tells about the emergence of the institutional is meant, I think, to provide an account that meets the two constraints, both the integrity of the institutional and its dependence.

So I read Searle as offering an account of the non-social/social and institutional relation that is intended to be distinctive, neither one of reduction nor one of supervenience. I take that to be the point of constructivism. He is at least one constructivist theorist who thinks that it does provide a third alternative of some sort.

13 See Searle (2010, p. 4–5). When he begins his discussion, Searle speaks as if he is proposing a supervenience account: at the level of types, he says, thinking makes it so. One might be forgiven for thinking that what Searle is saying is that something's being money supervenes on everyone's believing that it is money. 'Construction' in this context would just be a metaphor for supervenience. Even so interpreted, his account would have some important differences with Currie's. But as I go on to make clear, this is not the right interpretation of what he is proposing.

Searle discusses reduction and supervenience at length in Searle (1992). As this discussion is focused only on the case of consciousness, it is unclear exactly what can be extrapolated to the case of society and institutions. In that discussion, Searle distinguishes different senses of reduction, rejects ontological reduction but embraces what he calls causal reduction: 'This is a relation between any two types of things that can have causal powers, where the existence and a fortiori the causal powers of the reduced entity are shown to be entirely explicable in terms of the causal powers of the reducing phenomena' (p. 114). Searle focuses not on the existence in what follows, but on the causal powers. The discussion of supervenience adds nothing to this. The nub of the claim is that the higher-level phenomena are caused by the lower-level ones, but that this 'in no way diminishes their [the latter's] causal efficacy' (p. 126). It is hard to resist the conclusion that this is either a form of epiphenomenalism (which he explicitly rejects) or of full-blown dualism. It is not easy to see how this concession to the causal efficacy of the higher-level, even if that causal efficacy is explained by the lower-level, does not give some unreduced causal role to the higher-level.

Searle, from his earliest papers, has made attempts at joining those levels, for example by showing how evaluative facts can be derived ultimately from brute ones (Searle 1964) (see also Ruben 1972.). The point I want to make here is to stress the extent to which Searle has accepted the levels picture in his attempts to join the levels (CSR, 5–7, 68).

Searle speaks most often in terms of the creation or the construction of the social. ‘Construction’ is in the title of his first book; ‘Making’, a causal idea, is in the title of his second. Construct and creation certainly sound like determinative relations. Searle spends a great amount of time describing the mechanisms by which the construction or creation are brought about but I think there is a lack of clarity on what this relation itself is and what the ontological upshot is when those mechanisms are in play.

Searle’s ontology

Searle’s argument is conducted in the terminology of facts.¹⁴ ‘...all institutional facts are created...’ (MSW 93); ‘the [institutional] facts....are all created by human subjective attitudes...’ (MSW, ix); institutional facts ‘are all created by human subjective attitudes’ (CSR, p. ix). His hierarchical taxonomy of facts (Searle 1995, p. 121–125) makes this clear. Searle’s taxonomy of facts has seven distinct levels, but for our purposes I will consider only four levels. The simplification will help us see the overall picture and that picture won’t change in its essentials if we were to bring in the full complexity: (a) brute or physical facts, (b) non-social mental facts and facts about non-social action, (c) social facts that (only) require some sort of collective mentality (collective agreement and collective intentionality for example) and (d) institutional facts. In the work of his that we are considering, Searle is not interested in the relation between (a) and (b) (that is the mind-body problem). Nor is he primarily interested in the relation between (b) and (c). Searle is clear that the (c) facts cannot be reduced to (b) facts (a good reason not to interpret Searle’s account as generally reductionist), because collective intentionality cannot be reduced to individual intentionality. Searle’s main focus is the explanation of (d) facts by (a), (b), and (c) facts.

It is true that Searle speaks of institutional facts as being language-dependent or intentionality-related facts and that he contrasts them, as a realist about

14 Note that mental states and action come in three kinds: mental and action facts that are non-social (being in pain, lifting a stone); mental and action facts that are social but not institutional (we-intending to go for a walk together, a group hunting together); and mental and action facts that require an institutional framework (remembering a recent football match, cashing a cheque). (I assume that remembering is factive.)

the physical world, with the mind/language-independent facts of the latter. That means, I think, that a necessary condition for there being facts of that kind is that there be minds or language (depending on the precise formulation offered). ‘...the institutional fact in question can exist only if it is represented as existing’ (CSR, 62–63). To put it metaphysically, facts at level (d) have necessary connections to facts at the other levels, but that is not to say that the (d) facts are not an identifiable set of facts of their own sort. Indeed, his hierarchical taxonomy assumes that they are.

In MSW (17-8), Searle describes such facts as epistemically objective but ontologically subjective. What does he mean by ontological subjectivity? His other examples of ontologically subjective items are ‘pains, tickles, and itches’ because ‘they exist only as experienced by human or animal subjects’. Institutions belong to a ‘category of entities that...are dependent for their existence on the mental...’. They are intentionality-relative. One way to understand this somewhat vague formulation is that institutions are entities with necessary connections to the mental. But that is not the same as saying that institutions or facts about them can be reductively identified with non-institutional things (like mental states) or facts about them. Pains and tickles might exist only as experienced but that does not preclude the possibility that they constitute a set of particulars that are irreducible.

So Searle speaks of facts, institutional facts, however dependent they are on mind. He says that his ‘account must be consistent with the basic facts and show how the nonbasic facts are dependent on and derived from the basic facts’ (MSW, 4). So precisely what kind of entities exactly are institutions? He carefully distinguishes the nature of the institutional world from that of the physical world; he is not ‘a realist’ about the institutional in the sense that what is real can exist part from the existence of mind. On the other hand, as I have claimed, I don’t think he can be categorised as a reductionist, because he speaks of institutional facts, not about two languages or discourses about the same set of facts or things.

Construction and composition

The remarks in this section are addressed to those who interpret Searle (wrongly in my view) as offering a reductive view. I think a helpful analogy here in thinking about Searle’s claims about construction and whether it is reductive is to consider artifacts such as clocks or tables. [Of course, no analogy is perfect; between any two particulars whatever, unless they are qualitatively identical in all of their properties (including their relational properties) however unnatural or contrived,

there is some disanalogy between them.] I appreciate that Searle holds that social acts have an ontological primacy relative to social objects (CSR, 56–57). Still, I think the analogy between social objects and artifacts will be useful.

Parts compose a sum; types of matter (wood, plastic, glass) constitute or make up objects. The relation between composition and constitution is a matter of some controversy (Evnine 2011). To simplify, let me stick with composition, which I interpret here as a mereological relation governed by the axioms of classical mereology, including: the axioms of transitivity, unrestricted composition, and uniqueness of composition.

One might suspect that the idea of construction in the social case has something of a metaphor ring about it. Do agents really and literally construct or make institutions? Maybe, maybe not. But in the case of artifacts, artisans really do literally make and construct them from their parts. One can construct a table from some legs, a top, and so on; one can construct a clock from various bits of metal, the springs, the wheels, and so on.

There is certainly a mereological sum of those clock-parts and a mereological sum of the table-parts. There are (also) a clock and a table. But I do not think that one can reductively identify the clock with sum of the bits of metal from which it is constructed, or the table with the sum of the table-parts that compose it. There are many good reasons for denying that the sum of the parts is identical to the artifact or object.¹⁵ The table and the clock (and indeed ordinary objects more generally, not just artifacts) seem to have properties that the sums of their parts do not have; the table and the clock can survive changes that the sums cannot survive. They differ in their modal and historical properties. Artifacts and natural objects violate the mereological axiom of the uniqueness of composition and so, it would seem, cannot be identified with the sums of their components or parts. The sense in which the parts of something ‘compose’ a mereological sum is not the same as the non-mereological (and perfectly ordinary) sense in which the various components ‘compose’ an artifact or ordinary object.

What’s the ‘take-home’ here for the interpretation of Searle? To use two of Searle’s own examples of social objects, restaurants and passports certainly have parts. The parts of the passport are the individual pages; the parts of the restaurant might be the various rooms into which it is divided (‘which part of the restaurant do you want to sit in, the noisy or the quiet one?’). These parts have sums in

¹⁵ There is a vast literature on composition versus identity. The locus classicus is Alan Gibbard (1975), ‘Contingent Identity’. *Journal of Philosophical Logic* 4: 187–221. For a fuller bibliography, see Ryan Wasserman’s bibliography in his article on ‘Material Constitution’ in the Stanford Encyclopedia of Philosophy (online).

the mereological sense. But what is the relationship between these sums and the restaurant and the passport? If the relationship wasn't one of identity in the case of the artifacts, it is no more likely to be the relation of identity in the social case, for similar reasons. The axiom of the uniqueness of composition is not true for such social objects; a passport can lose or gain a page and remain numerically the same passport. In addition, transitivity does not hold for these social objects: the rooms make up the restaurant and the restaurant helps make up the Federation of Restaurants, but the rooms don't help make up the Federation (Ruben 1985, p. 45–81).

So there is no sense in which restaurants and passports can be identified with or reduced to the mereological sum of the parts that 'compose' them. In any event, the analogy won't extend naturally to most of the cases in which Searle is interested. Cocktail parties, marriage, institutions generally, do not seem to have parts (even in the non-mereological sense) in the way in which restaurants and passports have them.¹⁶

Note that bringing in the idea of intention or function does not tilt the argument any further towards identity. If clocks cannot be identified with the sums of their parts, a fortiori they cannot be identified with the sums of parts such that people intend to tell time with the sum of parts, or such that the sum of parts is given the function of time keeping.

Argument against constructivism

In the argument that follows, I am aware that I am posing a set of questions about Searle's story that is not in his text. These are not the questions he would ask or even the terms in which he would view his work. I acknowledge that. But I believe that if we export some of the earlier lessons about supervenience and reduction and import it into a consideration of Searle's view, we will gain some insight into the success or failure of his approach.

The problem that I am going to discuss has analogues both in reduction and supervenience. What reduction, supervenience, and constructivism all share is the view of reality as consisting of distinct levels, arranged in some type of hierarchy. As I mentioned earlier, Searle speaks in terms of a hierarchical taxonomy of facts; this is not an imposition on Searle but a way of seeing things that he shares with reduction and supervenience theorists.

¹⁶ I have discussed the applicability of mereology to the case of the social world in Ruben (1985), Chapter 2. See Hindriks (2013) for an account of social entities as constituted or composed by non-social entities.

All three types of theorists have as a consequence to address the issue of how these levels are connected, conceptually and ontologically, and in particular the issue of what exactly is the status of what allegedly does the connecting.

In the case of the classical reduction (by derivability) of theories, bridge laws were meant to provide the connectability. In order to achieve derivability, connectability of the reduced and reducing theories needed to be insured. Let T^* be the theory to be reduced; let T be the reducing theory. In the most interesting cases, the vocabulary of T and T^* will differ and a set of bridge laws, B , was required that connected the terms of the reduced theory to that of the reducing theory. So in effect T^* would be derived from the conjunction of $(T \& B)$; the bridge laws became an addition to the reducing theory T .

Lynch and Glasgow (2003) address a similar (but to be sure, not quite the same) concern regarding Horgan's superdupervenience requirement. Recall the third set of facts, (3), that are meant to explain the supervenience itself. They ask on what does this third set of facts, the S -facts, supervene? Putting the question somewhat more generally than they do, we could ask about the status of whatever explanation of the supervenience is on offer. Is that explanation part of the subvenient base or of the supervenient facts or of what? It cannot just free-float on its own, apart from occupying some place in the hierarchy.

I think an analogue of these problems affect Searle's constructivist narrative too. Searle offers a narrative, as it were, of how institutional facts eventually arise or derive from brute facts. A structure, the hierarchy of facts, is clearly there in that narrative. I want to ask precisely how those levels that he identifies are related, and what would explain their relation.

Let's call the set of all the relevant brute (in Searle's sense) physical facts set B . Let's call the set of institutional facts set I . Searle interposes at least two levels between the brute and the institutional. Let's call the set of non-social mental and non-social action facts set M . The set of social facts, whether social actional, or non-actional social but still non-institutional, is set S . As I said before, this taxonomy is simpler than Searle's; it brings together ontologically related levels so that I can pose the problem on which I want to focus more sharply.

Consider now the entire story about collective intentionality, status function, constitutive rules, acceptance or recognition, which Searle tells about the mechanisms that lead to the construction or creation of institutional facts.

We can break up his story that gets us to I , by distinguishing its components. Each part of his story must belong either to B or M or S . Some parts of that story will be located in M . Other parts of the story will be located in S . Clearly, if the story is about the emergence of institutional facts, the I facts, every part of that story must be located either in B or M or S . No part of the story can be located in I , on pain of circularity. Iterations of constitutive rules can provide ever higher

levels of institutional facts (CSR, 80), but all such rules must ‘bottom out’ at the brute level (CSR, 56 and 191).

Where shall we place the constitutive rules and the collective intentional assignment of functions to objects? For Searle, these are the same thing. Searle says that ‘institutional facts exist only within systems of constitutive rules’ (CSR, 28), ‘where the imposition of status function...becomes a matter of general policy, the formula...becomes a constitutive rule’ (CSR, 48), and ‘the class of existing status functions is identical with the class of institutional facts’ (CSR, 124). Searle places them on level 6 of his hierarchy of facts.

On the other hand, there is some reason to suppose that Searle thinks that they will be the provider of the bridge (CSR, 41) that gets us from one level to another, especially from M or S to I. ‘The central span on the bridge from physics to society....and the decisive movement on that bridge...is the collective imposition of function...’ (CSR, 41). (See also CSR, 68.) Indeed, Searle’s identification of constitutive rules (and hence, institutions) with collective assignment of function may itself be a bridge, since the former are clearly at level I and yet the collective imposition of function seems to be at level S (or maybe even M). But if these are errors on my part, by all means the reader is free to place them elsewhere or together as Searle says. The main point is only this: constitutive rules and the collective assignment of function (whether identical or not) must be either members of set I or set S or set M, for they must be placed somewhere and these exhaust the options of where to place them (it is obvious that neither are at the brute physical level).

Like bridge laws or superdupervenient explanations, they cannot free float apart from some location in the hierarchy. Since they must be placed at one of the levels of the hierarchy, I cannot see how they could provide any ‘bridge’ between levels.

The need for superduperconstructivism

Looked at in this way, one might wonder how Searle’s constructivism could possibly offer any alternative to supervenience. Once the constitutive rules or collective assignment of function or any other part of his narrative is placed in whatever level of the hierarchy is appropriate, the question of the relations between the hierarchical levels re-arises. These questions about the relation between sets M and S on the one hand and set I on the other sound very much like the questions we had about supervenience. Nor can any item serve both as a bridge between the hierarchical levels and be placed somewhere within the hierarchical levels.

Do the facts of set I merely co-vary with the facts in set M and S? What explains the co-variation? It seems that no part of the story, if each part belongs to one of S, M, B, or I, can explain the co-variation since each part stands in need of the explanation of the co-variation that we seek. What Searle wants is a story that tells us how we get from levels M and S on the one hand to level I on the other. He wants and requires a linking story. But every part of that story must itself belong to either M, or S, or I. How could there be a linking story that did not itself already belong to one of the levels? But if the story already belongs to one of the levels, B or S or M or I, it cannot explain how any one of those levels arises from the other(s).

The institutional facts co-vary with what happens at the level of the facts of collective intentionality, assignment of function, and so on. The question that needs answering is how all the facts in sets S, M, and B *make* the facts in set I what they are. How do the facts about what agents we-intend, believe, consent to, agree on, which functions they collectively ascribe, and so on, account for or explain the existence of institutions? Even given that the I facts occur when the B, S, and M facts do, this is insufficient for explaining how the latter facts make the I-facts what they are.

In general, thinking, agreeing, assigning, or whatever social or non-social mental acts are involved, does NOT make it so. Once the meanings of terms are settled, a cow counts as a ruminant, whatever agents think about this matter. A bag of feathers won't work as a clock, whatever function agents attempt to collectively assign to the bag. Searle is of course completely aware of this (for instance, CSR, 123–124). It is a fact that when agents are in these mental states, thinking, collectively assigning a function, agreeing, or whatever, such institutional facts come into being, but I can see nothing in his account that explains why this co-variation should be so. One can read Searle's account as an elaborate theory of that co-variation (not his term, of course) but without any explanation of it.

So what we still lack is any account of *why* believing or consenting or accepting or we-intending or collectively assigning a function, that something counts as something else, or has such a function, should bring it about that something really does count as or is something else or has that function. Why or how do all these mental and social action facts about what people think and do bring those institutional facts about?

I think it is clear that Searle's narrative about institutions is infinitely more plausible than an analogue narrative would be about the cow or the bag of feathers, but why should that be so? Why does believing or collective function assigning make it so in the institutional world? 'But where the type of thing is concerned, the belief that the type is a type of money is constitutive of its being money...' (Searle 1995, p. 33). 'If everyone always thinks that this sort of thing is money,....

then it is money....And what goes for money goes for elections, private property, wars, voting, promises, marriages, buying and selling, political offices, and so on' (Searle 1995, p. 32).

As long as we think of two sets of facts, institutional facts and the other facts, Searle can only offer us a form of construction that is a dependence relation, not a genuine determinative relation, if we think of the explanandum and explanans as sets of facts. On the model of two sets of facts, what we would need but are not given is superduperconstruction.

It is easy to miss this point because the story moves so effortlessly and plausibly from level to level, and we need to ask whether there is something more in the case of the institutional that underpins this account and that is missing in the case of the cow and the bag of feathers. The easy plausibility of Searle's story is at odds with the hierarchical picture he has of the various levels of reality. My guess is that many of those who are happy to subscribe to his narrative about the emergence of institutional facts have not fully appreciated the extent to which it is in tension with the hierarchical approach that he has to the problem and the consequent need to connect the levels by something outside the hierarchy.

Recall that Hare was a non-cognitivist about ethics. Horgan read this as a form of irrealism, because Hare does not take moral discourse to be about anything; it is not a descriptive language at all, but a prescriptive one. An irrealist about ethics would eschew the category of moral facts altogether. Moral irrealism (or noncognitivism) does not construe moral sentences as expressing propositions with truth-values. The irrealist or non-cognitivist about ethics would hold the view that there are no moral facts; there is only a moral discourse, prescriptive moral discourse. On that model, we don't have the same need for co-variance between two sets of facts. We might, analogously, speak of co-variance between two levels of discourse but that is an altogether easier co-variance to explain, and Hare does explain it.

There is certainly no sign in Searle that he would wish to adopt such an view: that there are no institutional facts, no distinct set of facts I, just a new institutional-discourse in which to speak about the facts of sets B, M and S (or just a new social-discourse to speak about the facts of sets B and M). An irrealist position about the institutional ought similarly to eschew the idea of truth in social and institutional discourse and the idea that there are any facts in these areas. The need for an explanation of the co-variance between the facts in set I and the other facts would disappear at a stroke, since there would be no such thing as 'the facts in set I'. Searle's narrative could proceed as before, with the same plausibility, but without making any metaphysical commitment to institutional facts of any sort, even to mind or language dependent ones.

I want to suggest that, just as Horgan was tempted to irrealism of the mental, given the inability to give an account of why the mental supervened on the physical, I would say that any attempt, along lines like Searle's, to explain why something's really counting as something else is created by or constructed from peoples' consent and agreement or beliefs and we-intentions or collective assignment of functions or whatever would lead to a form of social irrealism. How could there be a story that explained why the institutional co-varies with the non-institutional or the non-social if every part of the story belongs to one or the other of the levels in his taxonomy? If they all belong to some part of the story, they can't explain simultaneously the linkages between the parts.

As long as we have two sets of descriptive facts, the brute, mental, and social on the one side, and the institutional on the other, we need a story of why these two sets of facts should co-vary. Searle's narrative cannot meet that challenge because all of the elements of his story belong to one of the levels whose co-variation requires explanation. But if we were to construe institutional discourse not as a fact stating discourse at all, but one whose function was other than fact-stating, the mystery would be solved, as it might be in the case of the non-moral and moral and as Hogan toys with the thought that it might be solved for the case of the physical and the mental. Searle's constructivism, so interpreted in spite of his wishes, would then be a form of irrealism about the institutional. I don't for a moment suggest that Searle would accept this. The point is only that we have a limited number of well-known options, and that irrealism is one of them.

On the other hand, if we could only relate the institutional facts to the other facts, we would not need to be irrealists about the institutional. The argument of this paper is that Searle's version of constructivism does not deliver a credible answer to the question of the relation between the allegedly institutional facts and the other facts, since all the parts of his narrative belong to one or other of the facts in that relation.

If the lessons of supervenience are taken to heart, then I think they infect the constructivist too. The choices we have for accounting for the relationship between institutional facts and the other facts are really only eliminativism, reductionism, irrealism, and emergence and no constructivist (or supervenience) talk should be allowed to soften that stark choice.

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